

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK R. FACER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 3:15-cv-05457 JRC

ORDER ON UNOPPOSED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES AND EXPENSES

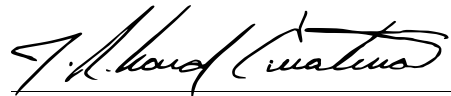
This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 7; Consent to Proceed Before a United States Magistrate Judge, Dkt. 8). This matter is before the Court on plaintiff's Motion for Attorney's Fees and Expenses Pursuant to 28 U.S.C. § 2412 (*see* Dkt. 24). Defendant has no objection to plaintiff's motion (*see* Dkt. 25).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's motion (*see* Dkt. 24), the attorney declaration and time and expense itemizations (Dkt. 24, Attachments

1 2, 3), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of \$7,874.05
2 and expenses in the amount of \$7.28, shall be awarded to plaintiff pursuant to the EAJA and
3 consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7
4 (2010).

5 The Acting Commissioner shall contact the Department of Treasury after the Order for
6 EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to any
7 offset. If it is determined that plaintiff's EAJA fees and expenses are not subject to any offset
8 allowed pursuant to the Department of the Treasury's Offset Program, then the check for EAJA
9 fees shall be paid directly to Eitan Kassel Yanich, Esq., either by direct deposit or by check
10 payable to him and mailed to his address, based on plaintiff's assignment of these amounts to
11 plaintiff's attorney (*see* Plaintiff's Declaration Regarding Net Worth and Payment of EAJA Fees,
12 Dkt. 23). If there is an offset, the remainder shall be made payable to plaintiff, based on the
13 practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any
14 check for EAJA fees and expenses shall be mailed to plaintiff's counsel, Eitan Kassel Yanich,
15 Esq., at Law Office of Eitan Kassel Yanich, PLLC, 203 Fourth Avenue E., Suite 321, Olympia,
16 WA 98501.

17 Dated this 3rd day of October, 2016.

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20 J. Richard Creatura
21 United States Magistrate Judge
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